

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CLAUDELL R. SMITH,

Petitioner,

Case No. 1:10-cv-1196

v.

Honorable Paul L. Maloney

SUPERINTENDENT,

Respondent.

ORDER

In accordance with the Opinion entered this day:

IT IS ORDERED that a certificate of appealability from the judgment issued this date is **DENIED** because a reasonable jurist could not conclude either that the district court erred in dismissing the petition for failure to exhaust or that the petitioner should be allowed to proceed further. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Dated: January 10, 2011

/s/ Paul L. Maloney
Paul L. Maloney
Chief United States District Judge